

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHIRLEY O DANIELS,

Plaintiff,

V.

JOHN S DAVIS, et al.

Defendants.

NO. 3:10-cv-05316RBL

ORDER GRANTING
DEFENDANT O'NEAL'S
MOTION FOR SUMMARY
JUDGMENT
[Dkt. # 50]

THIS MATTER is before the Court on the Defendant O’Neal’s Motion for Summary Judgment [Dkt. #50].

This case is the subject of a prior Order Granting the majority of the State Defendants' Motion for Summary Judgment. The Plaintiff's factual allegations and evidence are outlined in that Order [Dkt #45]. Defendant O'Neal, an Assistant Attorney General, was inadvertently omitted (through a "scrivener's omission") from the state Defendants' prior Motion, and thus from the Order dismissing the state Defendants. Defendant O'Neal now seeks summary judgment on largely the same bases as the prior state defendants' Motion¹.

¹ It would have been perhaps more efficient to file a less voluminous motion seeking to add Defendant O’Neal to the prior Motion and Order, than to re-file a comprehensive Motion for Summary Judgment. Nevertheless, the Motion is thorough and well-taken.

1 The Plaintiff admits that she previously asserted these same claims in a prior suit, and her
2 claims here are barred by res judicata and/or collateral estoppel. For the reasons discussed in the
3 Order Granting the state Defendants' prior Motion for Summary Judgment [Dkt. #45], and for the
4 reasons articulated in Defendant O'Neal's Motion for Summary Judgment, Plaintiff's claims
5 against O'Neal also fail as a matter law. Defendant O'Neal's Motion for Summary Judgment
6 [Dkt. #50] is GRANTED, and Plaintiff's claims against defendant O'Neal are DISMISSED
7 WITH PREJUDICE.

8 IT IS SO ORDERED.

9 DATED this 6th day of April, 2011.

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13 ROBERT J. BRYAN
14 For Ronald B. Leighton
United States District Judge

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